

**MINUTES OF THE
AUBURN CITY PLANNING COMMISSION
JUNE 20, 2006**

The regular session of the Auburn City Planning Commission was called to order on June 20, 2006 at 6:28 p.m. by Chairman Thompson in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Kosla, Merz, Smith, Worthington, Chrm.
Thompson

COMMISSIONERS ABSENT: None

STAFF PRESENT: Will Wong, Community Development Director;
Steve Geiger, Associate Planner; Sue Fraizer,
Administrative Assistant

ITEM I: CALL TO ORDER

ITEM II: APPROVAL OF MINUTES

The minutes of the May 16, 2006 meeting were approved as submitted.

ITEM III: PUBLIC COMMENT

NONE.

ITEM IV: PUBLIC HEARING ITEMS

- A. Lot Split and Tree Permit – 270 Electric Street (Murphy Lot Split) – File LS 06-1; TP 06-1.** The applicant requests approval of a tentative parcel map to subdivide a .35 acre parcel into two parcels, one 7,000 square feet in size, and one 8,100 square feet in size. The request also includes a Tree Permit to address impacts to protected trees.

Planner Geiger gave the staff report. The project involves a lot split and a tree permit. The property owner requests approval of a tentative parcel map which proposes to divide one .35 acre parcel into two parcels. The property owner obtained a

building permit and is in the process of constructing a home on the front lot. Parcel number two is proposed as a flag lot and will meet the minimum requirement for frontage along Electric Street. Staff recommends a condition that improvements be provided on the property's frontage on Electric Street. With regard to the tree permit, there are 15 protected trees on the property. The developer will be required to mitigate the removal of any protected trees, according to the City's Tree Ordinance, and will be required to comply with the recommendations of the arborist's report. At the time that the building permit is applied for a residence on Parcel 2, the owner will be required to provide an updated arborists' report that will indicate the proposed residence location and provide mitigation for any removals and impacts to protect the trees there. The project is consistent with the City's General Plan, and staff recommends approval subject to the conditions that are listed in the staff report.

Comm. Merz asked if this was not a lot split and was being used as a single lot under an acre, is he correct in the belief that a tree permit would not be necessary.

Planner Geiger responded that the application to split the lot triggers the requirement for a tree permit and compliance with the Tree Ordinance.

Comm. Worthington asked if the 15 foot width for the flag lot would only be used as a driveway and if that would leave parcel one with the appropriate setbacks.

Planner Geiger said that the required minimum side yard setback of 5 feet from the property line will be met.

Comm. Merz asked what the definition of a flag lot is.

Planner Geiger explained that a flag lot is called such because of the shape of the lot.

Chrm. Thompson asked if Staff has a graphic showing all the other parcels on Electric Street.

Planner Geiger showed a copy of the assessor's map on the overhead projection screen and pointed out the subject property.

Chrm. Thompson asked if there are other lots that are splittable.

Planner Geiger showed two lots that are over 20,000 feet that are splittable. Lot number 9 also appears to be splittable.

The public hearing was opened.

The applicant and owner of 270 Electric Street, Tim Murphy gave the commissioners a handout and read through it. He has several issues, and is requesting a variance from the requirement for street extension, and curb, gutter and sidewalk. He'd also like to speak about the sewer connection and the Tree Ordinance. He stated that the additional cost for the frontage improvements would create a financial hardship for him. They are endeavoring to provide affordable housing in Auburn and these items would significantly add to the cost, which they would have to pass on to the buyer. They feel that the curb, gutter and sidewalk would stand out from the rest of the neighborhood which does not have it, and would not be aesthetically pleasing.

Chrm. Thompson stated that when a lot split is requested, the property is then subject to the curb and sidewalk requirement.

Mr. Murphy expressed his reasons for believing that the curb, gutter and sidewalk are not necessary. He also spoke about the sewer issue. He is opposed to the requirement for the sewer connection as stated on Page 3 of the Staff Report since the Public Works Department has already approved an alternative design. In regard to the Tree Permit, he is opposed to the requirement for the buyer of Lot 2 to submit another arborist report, since all of the trees are already marked. Regarding the lot split, he feels that the buyer of Lot 2 should not be required to submit a new request to remove trees since the lot would be under one acre and would meet the ordinance in regard to removing trees without prior approval from the City.

Comm. Kosla asked the applicant how he determined that the new home would fall into the category of affordable housing.

Mr. Murphy stated that he feels that most new housing in Auburn is unaffordable for most people and he is trying to provide the community with housing that is less expensive. The more improvements required by the City, the more the expense will be to the buyer of the property.

Comm. Kosla asked Mr. Murphy how much more money it will cost to follow the proposed conditions.

Mr. Murphy responded that he estimates the additional cost to be \$15,000 to \$20,000.

Comm. Kosla stated that he believes the reason for the requirement to add curb, gutter and sidewalk is that it is a way to gradually add these improvements throughout the City. Although they may stand out for a short period of time, as more homeowners add these improvements, it will become more aesthetically attractive.

Mr. Murphy stated that the existing homes will most likely not ask for a lot split, therefore it is doubtful that these improvements will be made voluntarily due to the cost involved.

Comm. Kosla asked Staff if the reason for the requirement is that since they are splitting the lot, there will then be more people residing on the street, and more of a need to have curb, gutter and sidewalk.

Planner Geiger stated that it is the nexus between the impact of the project and the improvement that is required.

Mr. Murphy said that he has noticed that the children who live at the apartment complex down the street do not use the sidewalk, they use the road.

Comm. Smith asked what the square footage of the home on the front lot will be.

Mr. Murphy said it is a 3 bedroom, 2 bath, 1,280 square feet. He is not building a garage at this time.

Comm. Smith expressed his concern that there may not be ample parking. He believes the price on this home would be \pm \$500,000.00 which he doesn't think is affordable housing. He also asked if all the trees will be removed from the back lot.

Mr. Murphy responded that if a small two-story home were built, the tree removal would be minimal. This is a brand new home, selling for under \$400,000.00.

Comm. Merz asked Mr. Murphy why he would be concerned about Lot #2 being unaffordable, when he is only selling the lot and the new owner could build a home that may not be considered as affordable.

Mr. Murphy stated that the lot is not conducive to a huge home, so he believes an affordable home would be built there.

Comm. Merz said that he feels that it must be handled as any lot would be, and the assumption that an affordable home will be built there is not valid.

Comm. Worthington stated that the lot split in itself will add value to the property, and the cost for that value is providing an appropriate width street with curb and gutter, access to the lot, and utilities to the lot. She believes that after the cost involved, the owner will still have a net gain. She mentioned that two City Council members are working on a Pedestrian Master Plan. She asked Staff if they are aware of the Plan's status.

Planner Geiger responded that he is not aware of its' status.

Mr. Beryl Smith, 120 Belmont Dr. in Auburn is the father-in-law of the applicant and assisted the applicant financially with this project. The median price for a used house in Auburn is \$600,000, so this new home for under \$400,000 should be classified as affordable. Regarding the sidewalk, in the past he has pushed to make the community a more walkable community. To add curb, gutter and sidewalk where there is none in an area where no one walks seems unreasonable. Who will pay for the other homeowners to add curb, gutter and sidewalk? Regarding parking, two parking places are required for each lot, and each lot has room for two parking places. He feels the condition for the sewer connection needs to be further explained. He further explained what Mr. Murphy has done regarding the sewer connection. He feels the condition for the sewer needs to be corrected. He read from the Tree Ordinance and feels this property should be exempt from the tree removal.

Planner Geiger explained that there are exemptions in the Tree Ordinance that apply to existing lots. Under the tree permit section it states that a tree permit is required for any regulated activity, or where the related activity is related to a discretionary project. The tentative parcel map is a discretionary project. Therefore, the exemption no longer applies in a lot split situation.

Director Wong further clarified that the developer has a choice. Most of the subdivisions in town are similar to this project; there is no particular product in mind, the developer may or may not keep the lot to build themselves. When the buyer/developer comes into Community Development for their permit, the cost of the tree mitigation will pass on to the new owner of the lot.

Comm. Worthington asked if the arborist's report would have to be updated.

Director Wong stated that if the period of time is not long, a simple update may be done. It will depend upon when the home is built.

Mr. Smith stated that if the lot split is approved, that lot becomes an individual lot, less than one acre in size, so it seems punitive to put the condition on it.

Mr. Ralph Roper, 230 Electric Street in Auburn is a neighbor of the applicant. He spoke about several items concerning this project. He believes the project involves squeezing too much in a small area. He believes the applicant should pay for the sidewalk and that two parking spaces per residence is not enough. He is opposed to the lot split and requested that the Commission postpone this item for 30 days to allow time to discuss it and reach a more viable solution.

Comm. Merz asked Mr. Roper if he is volunteering to install the curb, gutter and sidewalk at his residence.

Mr. Roper said no, he is not volunteering, but if he is required to install it, he will.

Mr. Joe Williams of 271 Electric Street in Auburn stated that he is against the lot split. It will not leave enough parking spaces on the street. He is also opposed to the requirement for only one residence to install a sidewalk.

The Commissioners briefly discussed the parking issue.

Mr. Wes Griffin, owner of 260 Electric Street in Auburn, stated that his lot is an empty lot at this time. He recently purchased his lot which adjoins the property to the south, and at the time was unaware that the lot next door was splittable. He is

opposed to the split because the driveway is adjacent to his lot. When his home is built, he will hear the noise of the traffic, have to deal with the dust, and it will affect his privacy. The rear house will be too close to his back yard. He doesn't believe that the applicant should be required to install sidewalks.

Ms. Bernie Schroeder, City of Auburn Public Works Department, shared the reasons that the sewer connection and street improvement requirements were imposed. The condition regarding the sewer connection is typical of a public system and will not apply since a private line is proposed. It was a difficult decision for the Public Works Department to make the recommendation regarding the improvements (curb, gutter and sidewalk). This would be the normal requirement in a lot split situation, and there was no reason not to require the improvements. She further explained that this is the City's opportunity to place the condition so that this improvement to the community will be made. It would make for a cleaner transition between the street and the residence. She estimates the cost to be approximately \$15,000.00.

Comm. Merz asked if this price includes the widening of the street.

Ms. Schroeder replied that she would estimate the cost to be increased approximately \$2,000.00 for the street widening.

Comm. Merz asked if curb & gutter could be required, but not sidewalk.

Ms. Schroeder replied that yes, it is possible. Asphalt could be used for the sidewalk, however it is not the standard due to its' durability.

Comm. Smith asked if the building of a residence on the rear lot will affect the reservoir located behind the property.

Ms. Schroeder responded that a geotechnical report is part of the conditions of approval. With that they would be asked to address the proximity to the reservoir.

Comm. Smith asked if the cost of the report will be an added cost to the buyer of Lot #2.

Ms. Schroeder said yes, if they're proposing grading adjacent to the slope.

Comm. Worthington asked if there would already be a geotechnical report done for the grading for the foundation.

Ms. Schroeder said yes, typically there would be.

Comm. Kosla asked if the applicant will be required to get a final map if the lot split is approved.

Planner Geiger said yes.

Comm. Kosla asked if the applicant would be required to do the geotechnical report between approval and the final map.

Ms. Schroeder said yes, typically they would obtain the geotechnical report at that time.

Comm. Kosla asked if someone were to buy Lot #2, how they would know that the geotechnical report had been done.

Comm. Smith stated that it would have to be disclosed to the buyer.

Ms. Schroeder said that the conditions of approval specifically state that a geotechnical report shall be required for the public improvements and the building pad. The report will show the characteristics of the site in general.

Comm. Worthington asked for more information about the sewer requirements.

Ms. Schroeder explained the reasons for requiring a private system.

Comm. Worthington asked if there would still be a connection between the 6" line of the private system and the 8" main line.

Ms. Schroeder said the main line is several hundred feet from where the applicant is extending their line to the point where it meets with the public system.

There were no further comments. The public hearing was closed.

Comm. Merz. said that several people have indicated that they are not in favor of the lot split, and asked Staff what the valid reasons for denial would be.

Director Wong said that if the Commission chooses to deny the request for the lot split, they must find valid reasons for denial. It would be difficult to find grounds for denial. The main issue is the condition for curb, gutter & sidewalk. The Commission must determine whether or not some of the reasons brought up tonight are justifiable enough to delete that condition of approval.

Comm. Merz asked if the clarification Ms. Schroeder gave should clear up the sewer questions that the applicant raised.

Director Wong said that Ms. Schroeder has stated that the proposal for a private system is fine.

Comm. Merz feels that there is a necessity for the curb and gutter, but not for the sidewalk.

Chrm. Thompson asked if the curbs would have to be cement.

Ms. Schroeder said the curb & gutter is poured concrete. This will allow direction of the surface water.

Comm. Kosla asked who is responsible for maintenance.

Ms. Schroeder said the City is responsible to maintain the curb and gutter. It is the property owner's responsibility to maintain the sidewalk.

Comm. Kosla asked how many cars could park in the defined area.

Ms. Schroeder estimated 2 cars. The curb and gutter would better define the parking area.

Comm. Merz asked if a sidewalk would actually define the parking area and assist in the ease of getting out of a car.

Ms. Schroeder stated that the benefits of a sidewalk are that it gives the benefit of having a level landing when exiting a vehicle.

Chrm. Thompson re-opened the public hearing.

Mr. Beryl Smith asked to comment again about the sidewalk. He agrees that in some areas it is needed and appropriate, but he does not believe that is the case in this instance.

The applicant, Mr. Murphy stated that the actual length of the frontage of the residence is 80 feet total.

The public hearing was closed.

Chrm. Thompson said that the Commission could condition that curb and gutter be installed, and not sidewalk.

Comm. Merz asked what the cost would be for 80 feet of sidewalk only.

Director Wong suggested that the cost to the applicant should not enter into the decision.

There was discussion about the possibility of requiring curb & gutter, and not requiring sidewalk.

The Commissioners asked Staff if the condition for curb, gutter and sidewalks could be modified.

Planner Geiger provided the wording that could be used to eliminate the condition for the sidewalk.

Comm. Worthington **MOVED** to:

Modify Condition #37 to accurately reflect the sewer requirement.

Modify Condition #22 to state that Frontage Improvements shall be provided for on Electric Street. Electric Street shall be widened to provide a width of 17 feet from the existing centerline to top face of curb with a 27 foot right-of-way from centerline and include curb and gutter on the frontage of the project.

Comm. Merz **SECONDED**.

AYES:	Kosla, Merz, Worthington, Chrm. Thompson
NOES:	Smith

ABSTAIN: None
ABSENT: None

The motion was approved.

Comm. Worthington **MOVED** to:

Adopt Resolution No. 06-9 to approve the Murphy Lot Split (File LS 06-1) and Tree Permit (File TP 06-1) as modified in the previous motion.

Comm. Merz **SECONDED**.

AYES: Kosla, Merz, Worthington, Chrm.
Thompson
NOES: Smith
ABSTAIN: None
ABSENT: None

The motion was approved.

ITEM V: COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

- A. No meeting on July 4, 2006.
- B. There will be a meeting on July 18, 2006.
- C. Regarding the parking issue, Director Wong and the City Manager are working with a redevelopment agency to do a RFQ/RFP for a parking consultant for Old Town/Downtown.

ITEM VI: PLANNING COMMISSION REPORTS

Comm. Merz reported on the Traffic Committee meeting which took place this morning. There was discussion about the parking survey.

ITEM VII: FUTURE PLANNING COMMISSION AGENDA ITEMS

None.

ITEM VIII: ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Susan Fraizer